



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,575	09/03/2003	Ralph E. Wesinger JR.	GRAPH-002COB	6424
28661	7590	02/18/2009	EXAMINER	
LEWIS AND ROCA LLP 1663 Hwy 395, Suite 201 Minden, NV 89423			LEE, BRYAN Y	
			ART UNIT	PAPER NUMBER
			2445	
			MAIL DATE	DELIVERY MODE
			02/18/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/655,575	Applicant(s) WESINGER ET AL.	
	Examiner BRYAN LEE	Art Unit 2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :8/27/2004, 8/27/2004, 8/27/2004, 8/27/2004, 6/22/2005,2/27/2008,12/30/2008,02/04/2009.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claim(s) 13-23** provides that "bytes transferred can be" selected or displayed by host, virtual host, or machine. But since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced. The claims suggest bytes can be selected or displayed but does not adequately describe if and how they actually are displayed or selected only that they "can be".

Claim(s) 13-23 is rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

Double Patenting

3. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

Art Unit: 2445

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

4. **Claims 1-4** rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-4 of prior U.S. Patent No. 6,647,422 B2. This is a double patenting rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claim(s) 1 and 3** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,918,018 A to *Gooderum et al.* ("*Gooderum*") in view of "HypertextTransfer Protocol – HTTP/1.0" to *Berners-Lee et al.* ("*Berners-Lee*").

As to **claim 1**, *Gooderum* disclose(s) a computer executing a Web server program, comprising:

a plurality of virtual hosts (*Gooderum*; col. 25; ll. 24-29; many commerce servers run on the same machine) accessible using connection requests (*Gooderum*; commerce servers serve HTTP requests; col. 25; ll. 24-29) passed over a computer network (*Gooderum*; Fig. 1; network).

Art Unit: 2445

Gooderum do(es) not expressly disclose each of the virtual hosts being identified by a corresponding virtual host identifier includable in a connection request.

Berners-Lee disclose(s) http request URLs including IP address or domain name. (*Berners-Lee*; p. 11) The IP address or domain identifies the virtual host.

Gooderum and *Berners-Lee* are analogous art because they are from the same field of endeavor with respect to transferring data over a network.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the identifier aspect of *Berners-Lee* with the requests of *Gooderum*. The suggestion/motivation would have been to make an HTTP request that conforms to the known standard of the time. (*Berners-Lee*; p. 11)

Gooderum further disclose(s) a plurality of executable modules, each of the modules defining a predetermined function; (*Gooderum* ; CGI scripts are executables; col. 26; ll. 10-22)

a plurality of configuration sub-files corresponding to the virtual hosts, each of the configuration subfiles defining which of the executable module functions are usable by a corresponding one of the virtual hosts. (*Gooderum*; create server configuration files; col. 25; ll. 16)

As to **claim 3**, *Gooderum* disclose(s) a computer further comprising a plurality of log files corresponding to the virtual hosts. (*Gooderum*; logging; col. 25; ll. 43)

Art Unit: 2445

7. **Claim(s) 2** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,918,018 A to *Gooderum et al.* ("*Gooderum*") in view of "HypertextTransfer Protocol – HTTP/1.0" to *Berners-Lee et al.* ("*Berners-Lee*") in view of U.S. Patent No. 6,064,723 A to *Cohn et al.* ("*Cohn*").

As to **claim 2**, *Gooderum* does not expressly disclose a computer, wherein the configuration sub-files are included in a master configuration file.

Cohn disclose(s) a master database containing configuration. (*Cohn*; col. 31, ll. 24-38)

Gooderum and *Cohn* are analogous art because they are from the same field of endeavor with respect to networked systems.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combined the master database aspect of *Cohn* with the configuration files of *Gooderum*. The suggestion/motivation would have been speed the process of loading the configurations. (*Cohn*; col. 31, ll. 24-38)

8. **Claim(s) 4** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,918,018 A to *Gooderum et al.* ("*Gooderum*") in view of "HypertextTransfer Protocol – HTTP/1.0" to *Berners-Lee et al.* ("*Berners-Lee*") in view of U.S. Pre-Grant Publication No. 20090037991 A1 to *Ellis et al.* ("*Ellis*").

As to **claim 4**, *Gooderum* does not expressly disclose a computer, further comprising means for creating a log entry identifying at least one of the virtual hosts accessed by a connection request.

Ellis disclose(s) logging web entries with the URL of a web request. (*Ellis*; [0024])

Gooderum and *Ellis* are analogous art because they are from the same field of endeavor with respect to transferring data over a network.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the URL aspect of *Ellis* with the logging of *Gooderum*. The suggestion/motivation would have been to fully identify relevant information about the request. (*Ellis*; [0024])

9. **Claim(s) 5, 7 and 8** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,918,018 A to *Gooderum et al.* ("*Gooderum*") in view of U.S. Patent No. 5,774,551 A to *Wu et al.* ("*Wu*").

As to **claim 5**, *Wu* disclose(s) a method of administering a network server, the method comprising the acts of:

providing a server having a configuration file comprising a data structure, the data structure identifying for each of a plurality of types of resources a code module to be used to process resources of that type. (*Wu*; col. 7, Table 1; shows a configuration mapping code modules to types of resources)

Wu do(es) not expressly disclose receiving from a remote host a connection request, the connection request requesting that a specified resource be served to the remote host; (*Gooderum*; http clients request file and CGI executables from the commerce server; See Fig. 8 and col. 26 20-35)

Art Unit: 2445

processing the connection request to identify the specified resource as being of one of a plurality of resource types. (*Gooderum* ; col. 25, ll. 55-60, type enforcement)

Gooderum disclose(s) receiving http request from clients to a server on a remote host where the resources are of different types. *Gooderum*; http clients request file and CGI executables from the commerce server; See Fig. 8 and col. 26 20-35) (*Gooderum*; col. 25, ll. 55-60, type enforcement)

Wu and *Gooderum* are analogous art because they are from the same field of endeavor with respect to remotely accessing data.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the association of *Wu* with the receiving and processing of *Gooderum*. The suggestion/motivation would have been to allow a pluggable architecture to allow many different modules to operate in a unified architecture. (*Wu*; col. 3, ll. 30-40)

Wu further disclose(s) consulting the data structure to identify a code module; and (*Wu*; col. 8, ll. 5-10 reads the configuration file)

executing the code module to process resources of the type of the specified resource. (*Wu*; col. 8, ll. 12-45; loads the service upon demand to invoke function)

As to **claim 7**, *Gooderum* disclose(s) a method, wherein the connection request is an HTTP protocol request. (*Gooderum*; http; col. 25; ll. 2)

As to **claim 8**, *Gooderum* disclose(s) a method, wherein the connection request is an HTTPS protocol request. (*Gooderum*; https; col. 25; ll. 2)

10. **Claim(s) 6, 9 and 10** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,918,018 A to *Gooderum et al.* ("*Gooderum*") in view of U.S. Patent No. 5,774,551 A to *Wu et al.* ("*Wu*") in view of U.S. Patent No. 6,208,040 B1 to *Acton et al.* ("*Acton*").

As to **claim 6**, *Wu* disclose(s) a method, further comprising:
providing a new code module to be used to process resources of a particular type when requested by a remote host; (*Wu*; col. 7, Table 1; UNIX libraries are provided in the configuration file)

modifying the data structure stored in the configuration file to identify the new code module as a code module to be used to process resources of the particular type, thereby producing a modified data structure; and (col. 11; ll. 20-25; add new entries to the configuration file)

Wu do(es) not expressly disclose compiling the modified data structure and the new code module with existing network server software. (*Acton*; compiling a type library)

Acton disclose(s) compiling a type library. (*Acton*; col. 4, ll. 62-65)

Wu and *Acton* are analogous art because they are from the same field of endeavor with respect to code libraries.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the compiling of *Acton* with the method of *Wu*.

Art Unit: 2445

The suggestion/motivation would have been to provide the new functionality in the form of a compiled binary. (*Acton*; col. 4, ll. 62-65)

As to **claim 9**, *Gooderum* disclose(s) a system providing HTTP configuration files, the system.

Gooderum do(es) not expressly disclose an association between a filename and commands. (*Wu*; col. 7, Table 1; shows a configuration mapping code modules to types of resources)

Wu disclose(s) a configuration mapping code modules to types of resources. (*Wu*; col. 7, Table 1)

Gooderum and *Wu* are analogous art because they are from the same field of endeavor with respect to code libraries.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the mapping of *Acton* with the method of *Wu*. The suggestion/motivation would have been to map libraries to their functions. (*Acton*; col. 4, ll. 62-65)

Gooderum further disclose(s) a computer network connection; (*Gooderum*; Fig. 1; network)

at least one virtual host; and (*Gooderum*; commerce server; 162; col. 25; ll. 24-30)

a webserver (*Gooderum*; host machine col. 24, ll. 60-65), the webserver having at least one HTTP (*Gooderum*; http; col. 25; ll. 2) configuration file, the webserver and the at least one virtual host being in communication with the

Art Unit: 2445

association, the webserver selecting an HTTP configuration file (*Gooderum*; create server configuration files; col. 25; ll. 16) in response to communication with the association, and sending the selected file over the computer network connection to a user computer. (*Gooderum* ; commerce servers serve HTTP requests; col. 25; ll. 24-29)

As to **claim 10**, *Gooderum* disclose(s) a system providing an HTTPS configuration file, the system comprising:

at least one virtual host; (*Gooderum*; commerce server; 162; col. 25; ll. 24-30)

Gooderum do(es) not expressly disclose an association between a virtual host and a client application; (*Wu*; col. 7, Table 1; shows a configuration mapping code modules to types of resources)

Wu disclose(s) a configuration mapping code modules to types of resources. (*Wu*; col. 7, Table 1)

Gooderum and *Wu* are analogous art because they are from the same field of endeavor with respect to code libraries.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the compiling of *Acton* with the method of *Wu*. The suggestion/motivation would have been to provide the new functionality in the form of a compiled binary. (*Acton*; col. 4, ll. 62-65)

Gooderum disclose(s) a computer network connection; and (*Gooderum*; Fig. 1; network)

Art Unit: 2445

a webserver (*Gooderum*; host machine col. 24, ll. 60-65), the webserver having at least one HTTPS (*Gooderum*; https; col. 25; ll. 2) configuration file, the webserver and the at least one virtual host being in communication with the association, the webserver selecting an HTTPS configuration file (*Gooderum*; create server configuration files; col. 25; ll. 16) in response to communication with the association, and sending the selected file over the computer network connection to a user computer. (*Gooderum* ; commerce servers serve HTTP requests; col. 25; ll. 24-29)

11. **Claim(s) 11-23** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,918,018 A to *Gooderum et al.* ("*Gooderum*") in view of U.S. Patent No. 5,421,011 A to *Camillone et al.* ("*Camillone*").

As to **claim 11**, *Gooderum* disclose(s) a system providing an configuration file for counting the number of bytes transferred, the system comprising:

at least one virtual host. (*Gooderum*; commerce server; 162; col. 25; ll. 24-30)

Gooderum do(es) not expressly disclose an association between a virtual host and the number of bytes transferred;

Camillone disclose(s) a quota system for computing resources. (*Camillone*; col. 8, ll. 50-65) Bandwidth is a computer resource that may be allocated according to a quota is a similar method as disk, memory or CPU.

Gooderum and *Camillone* are analogous art because they are from the same field of endeavor with respect to allocating computing resources.

Art Unit: 2445

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the quota system with the resource use of *Gooderum*. The suggestion/motivation would have been to prevent a use from using more than what is allocated. (*Camillone*; col. 1, ll. 45-65)

Gooderum further disclose(s) a computer network connection; and (*Gooderum*; Fig. 1; network)

a webserver. (*Gooderum*; host machine col. 24, ll. 60-65)

Gooderum do(es) not expressly disclose the webserver having at least one configuration file number of bytes transferred, the webserver and the at least one virtual host being in communication with the association, the webserver selecting the number of bytes transferred configuration file in response to communication with the association.

Camillone further discloses referencing the quota in order to access the resource. (*Camillone*; col. 9, ll. 15-30)

Gooderum do(es) not expressly disclose the webserver enabling the selected virtual host based on the number of bytes transferred over the computer network connection.

Camillone further discloses allocating resources based on availability of resources. (*Camillone*; col. 10, ll. 15-40)

As to **claim 12**, *Gooderum* disclose(s) a system providing an configuration file for counting the number of bytes transferred, the system comprising:

Art Unit: 2445

at least one virtual host; (*Gooderum*; commerce server; 162; col. 25; ll. 24-30)

Gooderum do(es) not expressly disclose an association between a virtual host and the number of bytes transferred;

Camillone disclose(s) a quota system for computing resources.

(*Camillone*; col. 8, ll. 50-65) Bandwidth is a computer resource that may be allocated according to a quota is a similar method as disk, memory or CPU.

Gooderum and *Camillone* are analogous art because they are from the same field of endeavor with respect to allocating computing resources.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the quota system with the resource use of *Gooderum*. The suggestion/motivation would have been to prevent a use from using more than what is allocated. (*Camillone*; col. 1, ll. 45-65)

Gooderum further disclose(s) a computer network connection; and (*Gooderum*; Fig. 1; network)

a webserver. (*Gooderum*; host machine col. 24, ll. 60-65),

Gooderum do(es) not expressly disclose the webserver having at least one configuration file for the number of bytes transferred, the webserver and the at least one virtual host being in communication with the association, the webserver selecting the number of bytes transferred configuration file in response to communication with the association.

Camillone further discloses referencing the quota in order to access the resource. (*Camillone*; col. 9, ll. 15-30)

Gooderum do(es) not expressly disclose the webserver disabling the selected virtual host based on the number of bytes transferred over the computer network connection.

Camillone further discloses deallocating resources based on availability of resources. (*Camillone*; col. 10, ll. 15-40)

As to **claim 13**, *Gooderum* do(es) not expressly disclose a method, wherein the number of bytes transferred can be displayed.

Camillone discloses auditing subsystem with records the resource usage. The number of bytes is a typical representation of the usage of bandwidth as a resource and can be displayed. (*Camillone*; col. 7, ll. 20-30)

At the time of invention, it would have been obvious to a person of ordinary skill in the art to display the usage of bandwidth as a resource. The suggestion/motivation would have been to combine the display of the bandwidth with the auditing of resource usage that was well known at the time of invention.

As to **claim 14**, *Gooderum* do(es) not expressly disclose a method, wherein the number of bytes transferred can be selected.

The number of bytes is a typical representation of the usage of bandwidth as a resource and can be selected.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to select the usage of bandwidth as a resource. The

Art Unit: 2445

suggestion/motivation would have been to choose bandwidth when auditing the resource with other resources. (*Camillone*; col. 7, ll. 20-30)

As to **claim 15**, *Gooderum* do(es) not expressly disclose a method, wherein the number of bytes transferred can be selected on a per host basis.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to select the host of bandwidth as a resource. The suggestion/motivation would have been to choose bandwidth use by host when auditing the resource with other hosts. (*Camillone*; col. 7, ll. 20-30)

As to **claim 16**, *Gooderum* do(es) not expressly disclose a method, wherein the number of bytes transferred can be selected on a per virtual host basis.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to select the virtual host of bandwidth as a resource. The suggestion/motivation would have been to choose bandwidth use by virtual host when auditing the resource with other virtual hosts. (*Camillone*; col. 7, ll. 20-30)

As to **claim 17**, *Gooderum* do(es) not expressly disclose a method, wherein the number of bytes transferred can be selected on a per physical machine basis.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to select the machine of bandwidth as a resource. The suggestion/motivation would have been to choose bandwidth use by machine when auditing the resource with other machines. (*Camillone*; col. 7, ll. 20-30)

Art Unit: 2445

As to **claim 18**, *Gooderum* do(es) not expressly disclose a method, wherein the number of bytes transferred can be selected and displayed on a per host basis.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to select and display the host of bandwidth as a resource. The suggestion/motivation would have been to select and display bandwidth use by host when the auditing of resource. (*Camillone*; col. 7, ll. 20-30)

As to **claim 19**, *Gooderum* do(es) not expressly disclose a method, wherein the number of bytes transferred can be selected and displayed on a per virtual host basis.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to select and display the virtual host of bandwidth as a resource. The suggestion/motivation would have been to select and display bandwidth use by virtual host when the auditing of resource. (*Camillone*; col. 7, ll. 20-30)

As to **claim 20**, *Gooderum* do(es) not expressly disclose a method, wherein the number of bytes transferred can be selected and displayed on a per physical machine basis.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to select and display the machine of bandwidth as a resource. The suggestion/motivation would have been to select and display

Art Unit: 2445

bandwidth use by machine when the auditing of resource. (*Camillone*; col. 7, ll. 20-30)

As to **claim 21**, *Gooderum* do(es) not expressly disclose a method, wherein the number of bytes transferred can be selected and on a per host basis base on date and or time.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to select and display the host of bandwidth as a resource. The suggestion/motivation would have been to select and display bandwidth use by host when the auditing of resource on the basis of date or time. (*Camillone*; col. 7, ll. 20-30)

As to **claim 22**, *Gooderum* do(es) not expressly disclose a method, wherein the number of bytes transferred can be selected and on a per virtual host basis base on date and or time.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to select and display the virtual host of bandwidth as a resource. The suggestion/motivation would have been to select and display bandwidth use by virtual host when the auditing of resource on the basis of date or time. (*Camillone*; col. 7, ll. 20-30)

As to **claim 23**, *Gooderum* do(es) not expressly disclose a method, wherein the number of bytes transferred can be selected and on a per physical machine basis base on date and or time.

Art Unit: 2445

At the time of invention, it would have been obvious to a person of ordinary skill in the art to select and display the machine of bandwidth as a resource. The suggestion/motivation would have been to select and display bandwidth use by machine when the auditing of resource on the basis of date or time. (*Camillone*; col. 7, ll. 20-30)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRYAN LEE whose telephone number is (571)270-5606. The examiner can normally be reached on 9/4/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Donaghue can be reached on 571-272-3962. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/655,575
Art Unit: 2445

Page 19

/B. L./
Examiner, Art Unit 2445

/Larry D Donaghue/
Primary Examiner, Art Unit 2454